

SUPPORT FATHER FRIENDLY LEGISLATION

Policy Implications

Child support policies are often based on two assumptions: that the mother always receives custody of the children and that the noncustodial parent always has the higher income. While these assumptions are still true for most child support cases, they simply do not hold for a growing number of other cases. In light of the evidence presented here, Meyer and Garasky believe that child support policies should be reexamined to ensure equity when the custodial parent is the father or when the custodial parent has a higher income than the noncustodial parent. Rather than recommend new policies, Meyer and Garasky list the following areas of current policy that may need further scrutiny.

Setting the amount of child support awards

The states establish their own rules for determining the amount of child support awards. Currently, there are two approaches to setting award amounts. One approach maintains that noncustodial parents should share their income with their children; accordingly, states should order noncustodial parents to pay an amount in monthly child support that is equal to what they spent on their children per month when they were living with them. The other approach holds that the amount of a child support award should equal the cost of raising a child, and that if the custodial parent earns enough income to meet that cost, then the noncustodial parent should not be required to pay any child support. These two approaches have different

⁴For an example, see David T. Ellwood, *Poor Support: Poverty in the American Family* (New York: Basic Books, 1988). Also, Sara McLanahan and Karen Booth, in "Mother-Only Families: Problems, Prospects, and Politics" (*Journal of Marriage and the Family*, 51 [August 1989], 557-580; available as IRP Reprint no. 611), state that their review of single-parent families focuses only on mother-only families because "the number of [father-only families] is still small—less than 10% of all one-parent families."

Custodial Fathers: Myths, Realities, and Child Support Policy

by

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implications when the noncustodial parent's income is lower than the custodial parent's: making noncustodial parents share their income with their children would lead to a positive award, even if the income of a noncustodial parent was small; making award amounts equal to the cost of raising a child could lead to no award at all if the custodial parent's income were deemed high enough to meet that cost.

Almost all states use the first approach and order noncustodial parents to share their income, however small, with their children. However, evidence indicates that the application of this approach varies with the gender of the noncustodial parent.¹⁴ Specifically, regardless of how little a noncustodial father earns, he may be expected to provide some minimal amount of support for his children. Not all low-income, noncustodial mothers, however, are required to pay child support. Although at least one group of researchers argues that this is justified to offset the unfair treatment (e.g., lower wages for the same work) women otherwise receive at the hands of society,¹⁵ Meyer and Garasky recommend that the decision concerning the amount of a child support award be made without respect to the gender of the noncustodial parent.

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How does the judicial account for the fact that more than 90% of parents paying child support are men?